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MAY 22 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MANJINDER SINGH,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-74845

Agency No. A76-862-021

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted May 15, 2006**

Before: B. FLETCHER, TROTT, and CALLAHAN, Circuit Judges.

Manjinder Singh, a native and citizen of India, petitions for review of a summary order of the Board of Immigration Appeals upholding an Immigration Judge's ("IJ") denial of his application for asylum, withholding of removal, and

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** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

relief under the Convention Against Torture (“CAT”).

We have jurisdiction pursuant to 8 U.S.C. § 1252. Reviewing for substantial evidence, *de Leon-Barrios v. INS*, 116 F.3d 391, 393 (9th Cir. 1997), we deny the petition for review.

Substantial evidence supports the IJ’s adverse credibility finding because the discrepancies regarding the identity of the Communist Party candidate against whom Singh campaigned and who was responsible for Singh’s arrest and beating were not minor and go to the heart of his asylum claim. *See id.* at 393-94.

Because Singh cannot meet the lower standard of eligibility for asylum, he has failed to show that he is entitled to withholding of removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Singh’s CAT claim is based on the same testimony that was found not credible, and he points to no other evidence that the IJ should have considered in making the CAT determination, his CAT claim also fails. *See id.* at 1157.

PETITION FOR REVIEW DENIED.